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BY:

Donna Marks

Date:

June 23, 2005

MAIL STOP ISSUE FEE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	Jerry Bohinc Jr.	§	
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		§	
Conf. No.:	2129	§	Group Art Unit: 2632
		§	
Appln. No.:	10/801,357	§	Examiner: Daryl C. Pope
		§	
Filing Date:	March 16, 2004	§	Attorney Docket No.: 600348-1U2
		§	
Title:	APPARATUS AND METHOD FOR ASYNCHRONOUSLY ANALYZING DATA TO DETECT RADIOACTIVE MATERIAL		

COMMENTS ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

This is in response to the Examiner's Statement of Reasons for Allowance at page 2 of the Notice of Allowability attached to the Notice of Allowance of March 28, 2005.

The Examiner stated that "[t]he primary reason for allowance of the claims is the inclusion of a cargo receptacle apparatus wherein radiation sensors are utilized for detecting radiation over a predetermined or commanded period of time wherein the commanded period of time includes at least part of transit time."

In particular, applicant objects to the Examiner's statement because the claims do not require "at least part of transit time."

37 C.F.R. § 1.104(e) and M.P.E.P. § 1302.14 permit the Examiner to set forth the written statement of reasons for allowance under certain circumstances. However, certain requirements for the statement of reasons are expressly set forth in M.P.E.P. § 1302.14 including the requirement that "[w]here specific reasons are recorded by the Examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise, and do not place unwarranted interpretations, whether broad or narrow, upon the claims."



The Statement of Reasons is traversed at least on the ground that it fails to comply with the aforesaid requirement of M.P.E.P. § 1302.14 since the reasons for allowance are not wholly accurate and place an unnecessarily narrow interpretation on the claims. Accordingly, since the Statement fails to satisfy express provisions of the M.P.E.P., Applicant denies acquiescence to such reasons and further denies being bound by any negative inferences that may flow therefrom in any future proceedings regarding this application or any patent(s) issuing directly or indirectly therefrom.

Applicant acknowledges that claims 1-23 include "... over a predetermined or commanded period of time" But claims 1-23 lack the limitation "... wherein the commanded period of time includes at least part of transit time." However, claims 1-23 are also patentable over the prior art of record for other reasons such as, among other things, the radioactive material detection system including a control center that asynchronously analyzes data from at least one additional source and the information from the radioactive material detection apparatuses so as to detect radioactive material.

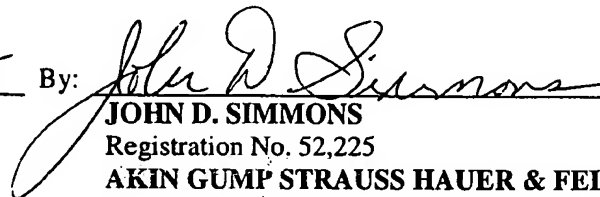
It is requested that these comments be placed in the application file, so that they will be part of the patent's record.

Respectfully submitted,

Jerry Bohinc, Jr.

June 23, 2005
(Date)

By:


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